



3 NUTRITION SERVICES

Effective: 12/1/95

3.21 Final Eligibility Determination, Priority Level, and Rights and Responsibilities

Revised: 05/16/05

POLICY: After the risk factor identification process is completed, the final eligibility determination must be made by a Competent Professional Authority (CPA) at the WIC project (see Administration Chapter). All WIC participants are assigned the highest priority level based on identified risk factors. When the certification is completed, the woman participant, parent, caregiver or guardian (including foster parent) must read, or have read to them, the WIC Rights and Responsibilities. The WIC Rights and Responsibilities must be read and signed for each family at every certification appointment.

WIC participants have rights and responsibilities for participating in the WIC Program and the Farmers' Market Nutrition Program (FMNP). WIC participants are also notified that they cannot participate in both the WIC and the Commodity Supplemental Food Program at the same time. It is essential that the person who signs WIC Rights and Responsibilities (DPH4161/4161S) is aware of the participant rights and is responsible for acting on the WIC responsibilities and providing accurate information. The expectation is to keep the woman participant and parents well informed and to strengthen program integrity.

If an applicant has at least one risk factor, s/he is either enrolled or placed on a waiting list (per State Office directive). If the applicant has no risk factor, s/he is ineligible. The following policy and procedures are for when applicants are eligible and will be enrolled.

PROCEDURE:

A. COMPETENT PROFESSIONAL AUTHORITY (CPA)

The CPA identifies all the risk factors. Up to six are entered into the computer (see Policy 3.10 Nutrition Risk Determination and Documentation: General). The CPA signs the Risk Factor Flow Sheet when eligibility is determined.

1. When a participant has more than six risk factors, enter the risk factor code(s) to assure that the participant is placed in the highest priority level possible.
2. Both the breastfeeding mother and her infant must be placed in the highest priority level for which either is eligible.
3. Infants of WIC mothers who were enrolled shortly after birth without going through the full certification process must have the risk factors (and therefore priority) updated when the full eligibility assessment is done (within eight weeks).



B. PRIORITY IDENTIFICATION

The computer will apply the highest priority for the participant based on risk factors entered into the computer and the participant's status at certification. See Policy 2.5 for a listing of the priority levels.

C. RIGHTS AND RESPONSIBILITIES

1. At every certification, after the participant is determined eligible, the woman participant, parent, caregiver or guardian (including foster parent) must read, or have read to them, the WIC Rights and Responsibilities (see Attachments). Proxies are not allowed to sign the WIC Rights and Responsibilities form.
2. WIC staff must ask the woman participant, parent, caregiver or guardian to read the document. Time needed for accomplishing this must be allowed. WIC staff must never discourage a woman participant, parent, caregiver or guardian from reading the WIC Rights and Responsibilities.
3. Project staff may have the WIC Rights and Responsibilities translated into other languages and create an audiotape (s). Time should be allowed for the woman participant, parent, caregiver or guardian to listen to the interpreter or to an audiotape before signing the form. Document the use of an interpreter or audio tape.
4. At each certification appointment, a new form must be signed and dated for the family. On the WIC Rights and Responsibilities form, WIC staff will write all participant's names of the family certified on that day and the family identification number. The woman participant, parent, caregiver or guardian signs and dates the form for the family, attesting to the fact that the form has been read and the information provided is correct. At least one form for the family must be signed at every certification appointment. When family members are certified on different days, additional WIC Rights and Responsibilities forms must be signed. WIC staff should tell the individual that they have a copy of this agreement with the WIC Program in the Identification (ID) Folder (DPH4160/4160S). See below for special situations.
5. Because WIC women participants, parents, caregivers and guardians are provided their copy of the WIC Rights and Responsibilities in the ID Folder, the WIC Rights and Responsibilities in the ID Folder must match the WIC Rights and Responsibilities on the form (DPH 4161/4161S) that they signed. Replace the families' ID Folder as needed. Insert translated WIC Rights and Responsibilities forms into the ID Folder.
6. Place the signed WIC Rights and Responsibilities form into the youngest participant's file of the family certified at that appointment and retain for 3 full fiscal years after termination.



7. Only the woman participant, parent, caregiver or guardian may sign the WIC Rights and Responsibilities form. Because a proxy, such as a neighbor, relative, baby sitter, or child care provider are not responsible for the information, it is essential that proxies do not sign the form(s). See Policy 4.40 Proxies for more information. If the woman participant, parent, caregiver, or guardian does not read or sign the form(s), they will not be aware of the rights and responsibilities of WIC participation, and compliance and enforcement of these responsibilities becomes difficult.
8. Proxies play an important role with the WIC Program. Parents often need the assistance of a proxy. Whenever possible, the parent should come to the WIC appointments to benefit from the screening, nutrition counseling, program information/updates, instruction about the drafts and secondary nutrition education. If the parent cannot attend WIC appointments, consider more accessible hours. There are circumstances when this is not possible and the WIC Program does not want to create undue barriers. The following is guidance to assist with obtaining the needed signature.
 - a) If it is possible that a parent will not be attending the WIC certification appointment, make arrangements in advance of the appointment. Send the form to the parent with instructions to sign and date the form and have it brought to the appointment with the questionnaires, the current ID Folder, proof of identity, income and residency, immunization record, etc. Include instructions that address the importance of reading the form or having it read to them, signing and dating the form and returning it to the WIC project. Include a statement that eligibility will be determined during the appointment. The parent may sign the form in advance of the appointment as long as the WIC Rights and Responsibilities form corresponds with the WIC Rights and Responsibilities in the ID folder. If the parent does not send the form with the proxy, follow the procedures below.
 - b) If a proxy comes to the WIC clinic or the WIC certification appointment, there are three options that staff can use. First, send a form home with the proxy and ask that it be signed, dated and returned to the WIC office. Provide instructions for completing the form and send a stamped, addressed envelope. Provide one month set of drafts until the form is returned to the project. A second option is to ask that the parent/caregiver return to the WIC clinic for the next month's drafts and to sign the form. A third option if the parent cannot come in to WIC is to ask the parent to send in the form and WIC staff may mail the drafts. Make a note to follow up on getting this form in the ID Folder or participant file(s) (computer or paper file).



- c) When proof of identity, income or residency is initially based on self declaration and one month set of drafts is issued, the WIC Rights and Responsibilities needs to be signed.
- 9. Special situations involving parents. At times, unique family circumstances are presented at the WIC clinic. Project staff should use their best judgement or contact a Regional Nutritionist or Central Office Staff for assistance. See policy 4.34.
 - a) Joint custody. One parent has applied for WIC benefits and is active with the program. If the “other” parent is listed on the ID Folder as a proxy and a separation or legal divorce occurs, the parent who brought the child in for the certification appointment and who is mainly responsible for the drafts, should sign the WIC Rights and Responsibilities.
 - b) Foster parent. When a child is transferred mid-certification to either a foster parent or back to the biological parent, issue a new ID folder and have the parent read and sign the WIC Rights and Responsibilities.
 - c) When certifying participants with different family identification numbers, a WIC Rights and Responsibilities form must be signed for each family. Examples include if a mother brings in her own biological child and a foster child or a foster mother brings in 2 foster children.
 - d) When family members are certified on different certification days, more than one WIC Rights and Responsibilities form must be signed. For example, if a mother brings in her children on two different clinic days, two WIC Rights and Responsibilities forms must be signed. File the form in the youngest family member’s file who was certified that day.
- 10. WIC staff must tell the woman participant, parent, caregiver or guardian to instruct their proxies on the rights and responsibilities of using the WIC drafts.
- 11. If the woman participant, parent, caregiver or guardian refuses to read or sign the form, document that in the file(s). Benefits must be provided. Failure to return the form is not considered a refusal.

D. OTHER REQUIREMENTS AT ELIGIBILITY DETERMINATION

- 1. See Policy 3.31 A. Requirements at Every Certification and B. Requirements at First and Subsequent Certifications for policies pertaining to nutrition education, referrals, etc.



2. See the Food Package Selection/Draft Issuance Chapter for policies pertaining to pick-up days, late draft issuance, etc.

ATTACHMENTS:

- * WIC Rights and Responsibilities (English) DPH 4161
- * WIC Rights and Responsibilities (Spanish) DPH 4161S